

City of Seattle Legislative Information Service

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Council Bill Number: 114940

Ordinance Number: 121529

AN ORDINANCE relating to regular property taxes; providing for the submission to the qualified electors of the City at a special election called on September 14, 2004, of a proposition authorizing the City to Levy regular property taxes for up to seven years in excess of the 101% limitation and any other limitation on levies in Chapter 84.55 RCW for the purpose of providing City services, including providing Seattle School District public school students, Seattle youth, and their families with educational and developmental services; authorizing the creation of a new subfund; creating an oversight committee; and authorizing implementing agreements.

Date introduced/referred: Jun 21, 2004

Date passed: Jul 12, 2004

Status: Passed as Amended

Vote: 9-0

Date of Mayor's signature: Jul 16, 2004

Committee: Committee of the Whole

Sponsor: DELLA, STEINBRUECK

Index Terms: TAXES, PROPERTY-TAXES, ELECTIONS, SCHOOLS, **EDUCATION**, SCHOOL-DISTRICT-1, CHILDREN, YOUTHS, FAMILY

References/Related Documents: Related: CB 114885

Note: 2004 Families & Education Levy

Text

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AN ORDINANCE relating to regular property taxes; providing for the submission to the qualified electors of the City at a special election called on September 14, 2004, of a proposition authorizing the City to levy regular property taxes for up to seven years in excess of the 101% limitation and any other limitation on levies in Chapter 84.55 RCW for the purpose of providing City services, including providing Seattle School District public school students, Seattle youth, and their families with educational and developmental services; authorizing the creation of a new subfund; creating an oversight committee; and authorizing implementing agreements.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Findings.** The City Council makes the following findings:

a. Providing City services, including the Educational and Developmental Services described in Section 5 of this ordinance, is a City purpose.

b. The Educational and Developmental Services to be funded with Proceeds are intended to support student academic achievement and are supplemental to the basic education financed by the State of Washington and will not displace or reduce state funding for the public schools in the Seattle School District.

c. In 1990 and again in 1997, the voters of Seattle approved measures that provided funding for educational and developmental services to Seattle's children, youth, and families. These programs have proven successful at providing child care and out of school activities for more than 70,000 children and youth, providing parent education and support services to at least 110,000 families, providing academic support and intervention to more than 150,000 students, and other critical services aimed at keeping Seattle's children and youth safe, healthy, and ready to learn.

d. An urgent need exists to continue the provision of City services, including Educational and Developmental Services to be funded with Proceeds of regular property taxes, and its urgency requires submission to the qualified electors of The City of Seattle of a proposition authorizing regular property tax levies in excess of the levy limitations in Chapter 84.55 RCW, as it now exists or may hereafter be amended, for up to seven years at a special election to be held in conjunction with the state-wide election on September 14, 2004.

Section 2. **Definitions.** As used in this ordinance, the following words when capitalized have the following meanings:

a. "City" means The City of Seattle.

b. "Central Administrative Support" means the City's administration and oversight of the expenditure of Proceeds and monitoring the overall effectiveness of the Educational and Developmental Services funded with the Proceeds, and identifying unmet needs for future services.

c. "Educational and Developmental Services" means the array of programs and activities referred to in Section 5, with such modifications as the City Council may from time to time authorize by ordinance.

d. "Proceeds" means that portion of regular property taxes levied and collected as authorized by voter approval pursuant to this ordinance that are above the 101% limit on levies in RCW 84.55.010, and all interest and other earnings thereon, all of which shall be deposited in the 2004 Families and Education Subfund of the Educational and Developmental Services Fund.

e. "Seattle School District" and "School District" mean Seattle School District No. 1.

Section 3. Levy of Regular Property Taxes - Submittal. The City hereby submits to the qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the limitations on regular property taxes contained in Chapter 84.55 RCW, as it now exists or may hereafter be amended, for property taxes levied in 2004 through 2010 for collection in 2005 through 2011, respectively. In addition to funding regular City services without reduction in the regular tax levy, this proposition would allow raising \$116,788,000 in aggregate over a period of up to seven years solely to provide Educational and Developmental Services for Seattle School District students, Seattle youth, and their families. The proposition shall be limited so that the City shall not levy in any year more than \$16,684,000 in addition to the maximum amount of regular property taxes it would have been limited to by the 101% limit in RCW 84.55.010 in the absence of voter approval under this ordinance, plus other authorized lid lifts. Pursuant to RCW 84.55.050(4), the maximum regular property taxes that may be levied in 2011 for collection in 2012 and in later years shall be computed as if the levy lid in RCW 84.55.010 had not been lifted under this ordinance.

Section 4. Application of Proceeds. The Proceeds shall be deposited in the City Treasury into a special 2004 Families and Education Subfund (the "Subfund") within the previously established Educational and Developmental Services Fund. Moneys in the Subfund may be temporarily deposited or invested in such manner as may be lawful for the investment of City money and interest and other earnings shall be deposited in the Subfund. The principal Proceeds and any interest or other earnings from their deposit or investment shall be applied solely for Educational and Developmental Services.

Section 5. Educational and Developmental Services. Educational and Developmental Services funded by Proceeds are services designed to help address the needs of Seattle's public school children and Seattle's youth and their families, with the intent of promoting learning, supporting academic achievement, and increasing access to services, and the administration of those services. Initially, Educational and Developmental Services shall be provided through the following nine program components:

1. Preschool and early childhood education. Plan and establish neighborhood-based early learning networks in low-income areas of the city that take a systemic approach to helping children be ready to succeed in kindergarten. Major program elements include preschool for low-income four year olds; access for low-income families to high quality childcare; school readiness support for children in home day-care situations, including home visits; a career wage ladder program; and preschool to kindergarten transition services.

2. Family support. Major program elements include school-based family support functions for elementary schools.

3. Family involvement services. Major program elements include family involvement programs.

4. Middle school support. Major program elements include school-based mental health and social/emotional support counseling and truancy/dropout prevention and intervention during school hours. Services in this component should be coordinated with services in the out-of-school activities and support for high-risk, middle and high school age youth components when possible.

5. Out-of-School activities. Major program elements include academically focused after school programs for middle school students, middle school athletics, and child care subsidies.

6. Support for high-risk, middle and high school age youth. Major program elements include case management services for high-risk youth.

7. Student health services. Major program elements include school-based student health clinics and nursing services at clinic sites.

8. Evaluation. Major program elements include evaluation of the individual programs in the foregoing components and the overall effects of Educational and Developmental Services funded by Proceeds.

9. School crossing guards. Major program elements include school crossing guards.

These anticipated program component descriptions are only illustrative examples. In the annual City budget or by separate ordinance, the City shall from year-to-year determine the budget and allocations among the nine program components, add or delete program components or program elements within a program component, change the scope of activities or the emphasis, and, within a budget year, reallocate unexpended and unencumbered funds from one program element or program component to another. Proceeds and appropriations unexpended at the end of any budget year shall automatically be carried over to the next budget year.

Expenditures from the Subfund for Central Administrative Support by the City shall not in any budget year exceed a total of five percent of that year's total expenditure authority from the Subfund.

Section 6. **Oversight Committee.** Conditioned upon voter approval of the ballot proposition submitted by this ordinance, there is established an Oversight Committee to advise the City Council concerning the implementation and evaluation plan called for by Section 7 and the Partnership Agreement called for by Section 9, to review the expenditure of Proceeds, to advise upon expenditures and allocations for the following year, and to make recommendations on the implementation of particular programs, on any reallocations of Proceeds, and on evaluations.

The Oversight Committee shall consist of twelve (12) members: the Mayor, the Chair of the City Council's Parks, Neighborhoods and Education Committee or its successor with respect to education issues, the Superintendent of the Seattle School District, a representative of the Seattle School Board, four (4) citizens who are not employees or board members of organizations having projects or programs eligible to be funded from the Proceeds, and four (4) citizens from the diverse

constituencies served by and interested in the projects and programs to be funded by the Proceeds. The Mayor shall appoint two (2) of the four (4) members from each of the above two (2) categories of citizen Committee members, and the City Council shall appoint the balance. Those eight members shall be appointed to three (3) year staggered terms subject to reappointment, except that two of them (one mayoral appointee and one Council appointee) shall be initially appointed for a single year term, three (two mayoral appointees and one Council appointee) for a two (2) year term, and three (one mayoral appointee and two Council appointees) for a three (3) year term. Upon the resignation, retirement, death, incapacity or removal of an Oversight Committee member, the authority appointing such member may appoint a replacement for the balance of the term. All members not appointed by the City Council shall be subject to confirmation by the City Council. Subject to applicable law, an individual serving as an officer, director or trustee of an entity that receives or competes for funding under this ordinance, or who has an interest in such an entity, shall not thereby be disqualified from serving on the Oversight Committee, but shall fully disclose any such relationships and shall not vote on any matter in which the interest of such entity is directly involved. Notwithstanding the foregoing, neither the Superintendent of the Seattle School District nor the representative of the Seattle School Board shall, because of their relationship with the School District, be disqualified from voting on any matter in which the interest of the Seattle School District is involved.

The Oversight Committee may adopt rules for its own procedures, including quorum requirements and the frequency of meetings. The Oversight Committee members shall select a Chair. The Oversight Committee will make annual reports to the Mayor and City Council and will prepare a mid-point report to the citizens of Seattle. The Office for Education shall provide staff and logistical support for the Oversight Committee. Members shall serve without pay, but may be reimbursed their expenses, including payments for child care while attending meetings. The Oversight Committee shall continue in existence through December 31, 2011, and thereafter if so provided by ordinance.

Section 7. Implementation and Evaluation Plan. Proceeds may be spent only in accordance with an implementation and evaluation plan (the "Plan") approved by ordinance. The Plan may be amended by ordinance.

The Plan will set forth the criteria, measurable outcomes and methodology by which programs funded by Proceeds will be selected and evaluated. The evaluation methodology will measure both individual programs and overall effects of the Educational and Developmental Services. The achievement of all stated outcomes will be evaluated and no one component will be determinative of an individual program's effectiveness or overall effectiveness of the Educational and Developmental Services.

Section 8. Implementing Agreements. If this proposition is approved by the voters, the City may carry out the Educational and Developmental Services with City staff or by agreements with the Seattle School District, with Public Health Seattle-King County, and with such other agencies and persons as may be appropriate. The Mayor or the Mayor's designee is authorized to enter into such agreements,

consistent with Section 9 below. The City will, when soliciting businesses for goods or services agreements, perform outreach to small, economically disadvantaged businesses, including those owned by women and minorities. City agreements with other public entities will encourage those entities to actively solicit bids for the subcontracting of any goods or services, when such subcontracting is required or appropriate, from qualified small businesses, including those owned by women and minorities. City agreements with businesses for goods and services and with other public entities and non-profits will encourage these entities to employ a workforce reflective of the region's diversity. All City agreements for goods and services will require the contracting entities to comply with all then-applicable requirements for non-discrimination in employment in federal, state, and City of Seattle laws and regulations.

Section 9. City of Seattle/Seattle School District Partnership Agreement. There shall be a Partnership Agreement ("the Partnership Agreement") developed by the City and the Seattle School District in which the roles and responsibilities of the City and the School District in developing the Implementation and Evaluation Plan, referenced in Section 7, and in implementing Educational and Developmental Services are established. The Partnership Agreement will set forth the parties' roles and responsibilities for achieving the Educational and Developmental Services' desired outcomes. It will outline, in a variety of areas, ways in which both the City and the School District will work collaboratively toward better results for children and youth. The Partnership Agreement may cover items including, but not limited to: data sharing necessary to implement program evaluations; standards for family support services, facility use, health service operating practices; and evaluating the feasibility of developing and implementing a school-readiness measurement system.

The City can not enter into the Partnership Agreement, or materially amend the Partnership Agreement, until the Partnership Agreement or the amendment, as the case may be, is approved by the Seattle City Council and the Seattle School Board. Proceeds may be spent on School District programs or functions only in accordance with an effective Partnership Agreement.

Section 10. Reporting. The Director of the Office for Education will prepare and submit to the City Council and the Mayor annual progress reports on the implementation of the Educational and Developmental Services covering each of the program components and the actions taken as a result of the adopted City of Seattle/School District Partnership Agreement.

Section 11. Election - Ballot Title. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to conduct a special election, which the City hereby calls pursuant to RCW 84.55.050, to be held in conjunction with the state-wide election on September 14, 2004, and to submit to the qualified electors of the City the proposition set forth below.

The City Clerk is hereby authorized and directed not less than forty-five days prior to September 14, 2004, to certify the proposition to the King County Director of Records and Elections in the following

form or as modified by the City Attorney pursuant to RCW 29A.36.070:

THE CITY OF SEATTLE

PROPOSITION NUMBER _____
REGULAR TAX LEVY INCLUDING
FAMILIES AND EDUCATION

The City of Seattle's Proposition __ concerns funding services, including Educational and Developmental Services supporting academic achievement.

This proposition would fund City services, including preschool, early-childhood education, family support, family involvement, middle-school support, out-of-school activities, supporting high-risk youth, student health, program evaluation, and school-crossing guards, per Ordinance _____. This vote approves, for up to seven years, regular property taxes higher than the limits in Chapter 84.55 RCW, beginning with 2005 total regular taxes limited to \$3.20/\$1,000 assessed value. Not more than \$16,684,000 per year (\$116,788,000 total) can be collected for the Educational and Developmental Services.

Should this levy be approved?

Levy, Yes

Levy, No

Those in favor shall vote "Yes;" those opposed shall mark their ballots "No."

Section 12. **Ratification.** Certification of such proposition by the City Clerk to the King County Director of Records and Elections in accordance with law prior to the date of such election on September 14, 2004, and any other act consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 13. **Severability.** In the event any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect any other provision of this ordinance or the levy of the taxes authorized herein, but this ordinance and the authority to levy those taxes shall be construed and enforced as if such invalid provisions had not been contained herein; and any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 14. **Effective Date.** This ordinance shall take effect and be in force immediately upon its approval by the Mayor or, if not approved and returned by the Mayor within ten (10) days after presentation, then on the eleventh (11th) day after its presentation to the Mayor or, if vetoed by the Mayor, then immediately after its passage over his veto.

Passed by the City Council the ____ day of _____, 20__, and signed by me in open session in authentication of its passage this ____ day of _____, 20__.

President _____of the City Council

Approved by me this ____ day of _____, 20__.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 20__.

City Clerk

07/9/04

(Ver. 18)

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